

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEAL JAMES

Plaintiff,

v.

WARDS COVE PACKING COMPANY, a
foreign corporation, F/V OCEAN MAID, her
tackle, gear, furniture, apparel and equipment,

Defendants.

No. C04-1409 TSZ

ORDER

This matter comes before the Court on Plaintiff's Motion to Enforce Settlement and to Quash Attorney's Lien, docket no. 63. This Court has reviewed the pleadings filed in support of and opposition to this motion.

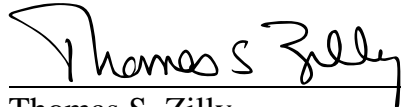
Dann Sheffield was to be paid on a contingent basis for representing Plaintiff in this matter. Dann Sheffield was discharged prior to completion of the case. As a result, he is only entitled to reasonable compensation for the value of the services actually rendered. Ross v. Scannell, 97 Wn.2d 598, 608-09 (1982). Dann Sheffield created a valid attorney lien pursuant to RCW 60.40.010(c) entitling him to recover costs and fees from the settlement proceeds. Both Plaintiff and Moran Windes & Wong PLLC derived benefit from the legal

1 services provided by Dann Sheffield, notwithstanding the fact that Plaintiff ultimately
2 prevailed on different claims. However, the recovery will be discounted because the client
3 should not be required to pay for services that needed to be duplicated subsequently.
4 International Materials Corp. v. Sun Corp., Inc., 824 S.W.2d 890, 895 (Mo. 1992); Polen v.
5 Reynolds, 222 Mich. App. 20, 30 (1997). The Court holds that Plaintiff owes to Dann
6 Sheffield two thousand dollars (\$2000.00) for legal services provided and three hundred
7 twenty four dollars and ninety two cents (\$324.92) for costs incurred.

8 Plaintiff's Motion to Quash is DENIED. Defendants' counsel is directed to pay Dann
9 Sheffield a total of two thousand three hundred twenty four dollars and ninety two cents
10 (\$2324.92) from the settlement and disburse the remaining funds to Plaintiff.

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12 IT IS SO ORDERED.

13 DATED this 3rd day of December, 2007.

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16 Thomas S. Zilly
17 United States District Judge
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